

DEPARTMENT OF BENEFIT PAYMENTS



February 26, 1974

ALL-COUNTY LETTER NO. 74-37

TO: ALL COUNTY WELFARE DIRECTORS

OBSOLETESuperseded by ACL #77-15SUBJECT: **EMERGENCY LOAN PROGRAM**Issued 3-17-77

REFERENCE: EAS Manual Section 46-335

The purpose of this letter is to provide additional information concerning the issuance of emergency loans to SSI/SSP recipients who fail to receive their checks in a timely manner from the Social Security Administration. We are continuing to work with SSA to help resolve implementation problems and urge that you continue to maintain liaison with the SSA district offices in your counties.

The following questions and answers have been developed as additional guidelines for the administration of the Emergency Loan Program.

1. Question: If a recipient leaves one county to reside in another county, which county is obligated to grant the emergency loan?

Answer: The new county in which the eligible recipient resides is obligated to grant the emergency loan.

2. Question: If a recipient does not receive his Title XVI check in more than one month, e.g., January and February, is his county of residence obligated to issue an emergency loan each month in which the recipient reports to SSA that his check has not been received?

Answer: Yes, the county of residence is required to issue up to \$200 of the last monthly payment for each month in which a recipient reports that his check was not received.

3. Question: If a recipient first reports nonreceipt of his January and February SSI/SSP check to SSA in February, is the county obligated to issue an emergency loan covering both months?

Answer: No. The emergency loan obligation extends only to recipients who report nonreceipt of their SSI/SSP check in the month in which the check is supposed to be issued.

4. Question: If the SSI/SSP recipient moves into California from another state in December 1973, or January 1974, and doesn't receive his benefit check in January 1974, is he eligible for an emergency loan from his California county of residence?

Answer: Yes.

5. Question: If the SSA cannot determine an eligible recipient's last monthly payment, how much are the counties obligated to loan the eligible recipient?

Answer: The county of residence may loan up to \$200 or the last monthly payment as shown in county records whichever is lower.

6. Question: When is an emergency loan uncollected, in order to obtain state reimbursement?

Answer: An emergency loan is considered uncollected when all efforts to collect, including legal action, have been taken. Legal action includes obtaining a judgement and, as a minimum, showing that collection of the judgement has been attempted by showing proof of service of a writ of execution.

7. Question: Is it appropriate for a substitute or representative payee to sign the Form SSP-3, the Emergency Loan Affidavit?

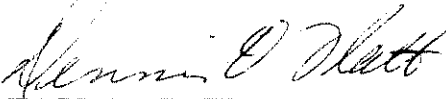
Answer: Yes.

8. Question: If a recipient dies before the emergency loan is repaid, can a county claim the unpaid loan against the recipient's estate?

Answer: Responsibility is with the County Counsel or District Attorney in these cases. The unpaid loan should be treated as a legal claim against the estate of the deceased. A loan may be declared uncollected if the estate does not yield the entire amount of the loan outstanding.

If you have any questions, please contact the Adult Program Management Branch at (916) 322-2676.

Sincerely,


DENNIS O. FLATT
Deputy Director
Welfare Payment Operations

cc: CWDA